

REMARKS

Original claims 1-20 have been canceled and replaced with new claims 21-67. No new matter is introduced by way of the amendments and additions and the new claims are fully supported by the specification as originally filed. In particular, the claim limitation “solid or semi solid” is supported by the Specification at, for example, page 108, lines 1-5. The claim limitation “Vitamin E TPGS” is supported by the Specification and original claim 12. Support for claim 22 is found in the Specification at, for example, page 108, lines 7-8. Claims 34-36 are supported at, for example, page 8, lines 30-31 of the Specification. Claims 37-39 are supported at, for example, page 8, lines 34-35 of the Specification. Support for claims 45-67 is found at, for example, page 109, line 22 to page 112, line 11.

A restriction requirement has issued in the present application, restricting the claims as follows:

Group I: claims drawn to a composition comprising an acidic drug;

Group II: claims drawn to a composition comprising a basic drug (new claims 21-42);

Group III: claims drawn to methods of using a pharmaceutical composition (new claim 43); and

Group IV: claims drawn to a pharmaceutical package (new claim 44).

The Applicants hereby elect Group II for prosecution at this time. Claims 21-42 are believed to encompass the elected Group. Subject matter directed to compositions comprising an acidic drug have been canceled. The Applicants expressly reserve the right to prosecute the canceled subject matter in continuing or divisional applications.

Applicants note that Vitamin E TPGS, which is the subject of each of the new claims, is not disclosed in U.S. 4,596,705 (Schepky).

Claims 45-67 are directed to processes for the preparation of compositions comprising a basic drug. Upon an indication of the allowability of a product claim, rejoinder of all process claims containing all the limitations of an allowable product claim will be requested.

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